

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TWENTY NINETH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI DEVINDER GUPTA,THE CHIEF JUSTICE

and

THE HON'BLE MR JUSTICE C.V.RAMULU

WRIT PETITION NO : 4236 of 2004

Between:

M/s.Prim Sales Corporation, rep., by its Partner E.Rajender,
s/o E.Janardhan, 5-4-9, J.N.Road, Abids, Hyderabad.

..... PETITIONER

AND

- 1 Union of India, rep., by its Secretary, Ministry of Law and Justice,
Shastri Bhavan, R.P.Road, New Delhi.
- 2 Union Bank of India, rep., by General Manager,
Field General Manager's Office, 12/13, Kodambakkam High Road,
Nungambakkom, Chennai-34.
- 3 Union Bank of India, rep., by its General Manager,
Head Office at 239, Back Bay Reclamation, Nariman Point, Mumbai.
- 4 Union Bank of India, rep., by its Branch manager,
High Court Branch, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to pass order or orders or direction more particularly writ of mandamus, or other appropriate writ striking down the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 and striking down Sections 13, 15 and 34 of the Act by quashing the Notice under Ref.CRLD.SON.172A, dt.24-3-2003 issued by the respondent No.2 bank.

Counsel for the Petitioner:MR.K.BUCHI BABU

Counsel for the Respondent No.1: MR.A.RAJASHEKAR REDDY (SC FOR CG)

Counsel for the Respondent Nos.2 to 4: Mr.G.Vasantha Rayudu

The Court made the following :

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ORAL ORDER: (per Hon'ble the Chief Justice)

In view of the decision of the Hon'ble Supreme Court in Transfer Case (Civil) No.92-95 of 2002, dated 8th April, 2004 [MARIDA CHEMICALS LTD v UNION OF INDIA AND ORS], challenge to the provisions of the Securitisation And Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 is not tenable and for that reason relief prayed for in this Writ petition cannot be granted. Writ petition is, therefore, dismissed.

DEVINDER GUPTA, CJ.

29-10- 2004 C.V.RAMULU, J

Tvr

To

- 1 The Secretary, Union of India, Ministry of Law and Justice,
Shastri Bhavan, R.P.Road, New Delhi.
- 2 The General Manager, Union Bank of India, Field General Manager's

Office, 12/13, Kodambakkam High Road, Nungambakkom,

Chennai-34.

3 The General Manager, Union Bank of India,
Head Office at 239, Back Bay Reclamation, Nariman Point, Mumbai.

4 The Branch Manager, Union Bank of India,
High Court Branch, Hyderabad.

5 2 CCs to the Senior Standing Counsel for Central Government, High
Court Buildings, Hyderabad (OUT).

6 2 CD copies.